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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,679	07/02/2003	Jouni Kauhanen	60091.00215	5344
32294 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212			EXAMINER	
			DAVENPORT, MON CHERI S	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			08/28/2008	PAPER

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		10/611,679	KAUHANEN, JOUNI			
		Examiner	Art Unit			
		MON CHERI S. DAVENPORT	2616			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) 又	Responsive to communication(s) filed on <u>5/7/2</u>	008				
· ·	This action is <b>FINAL</b> . 2b) ☐ This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
٥/ك	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
	closed in accordance with the practice and i	x parte quayle, 1000 C.B. 11, 40	0.0.210.			
Dispositi	on of Claims					
4)🛛	☑ Claim(s) <u>6-21 and 27-45</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5)🛛	∑ Claim(s) <u>6-21 and 27-44</u> is/are allowed.					
6)🖂	☑ Claim(s) <u>45</u> is/are rejected.					
7)	Claim(s) is/are objected to.					
8)	Claim(s) are subject to restriction and/or	r election requirement.				
Applicati	ion Papers					
	•	_				
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority ι	ınder 35 U.S.C. § 119					
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
2)  Notic 3)  Inform	t(s)  be of References Cited (PTO-892)  be of Draftsperson's Patent Drawing Review (PTO-948)  mation Disclosure Statement(s) (PTO/SB/08)  r No(s)/Mail Date	4)  Interview Summary Paper No(s)/Mail Da 5)  Notice of Informal P 6)  Other:	te			

Application/Control Number: 10/611,679 Page 2

Art Unit: 2616

### Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 45** rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claim 45, claim 45 lacks the proper preamble language for statutory computer program product. See MPEP 2100 for guidance on computer related inventions.

The examiner suggest a preamble as follows:

"A computer readable medium containing computer executable instructions to perform a method, the method comprising:"

### Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

- 3. Claim 45 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
- 4. Regarding claim 45, now requiring "a computer program embodied on a computer readable medium, said computer program configured to control a processor to perform:".

  This is subject matter which was not described in the original specification; therefore,

Art Unit: 2616

new matter. Neither applicant has pointed out where in the original specification support for the subject addition can be found.

#### Allowable Subject Matter

5. Claims 6-21 and 27-44 allowed.

## Response to Arguments

6. Applicant's arguments with respect to claim 45 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MON CHERI S. DAVENPORT whose telephone number

Application/Control Number: 10/611,679 Page 4

Art Unit: 2616

is (571)270-1803. The examiner can normally be reached on Monday - Friday 8:00 a.m.

- 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR. Status

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mon Cheri S Davenport/

Examiner, Art Unit 2616

August 18, 2008

/Brenda Pham/

Primary Examiner, Art Unit 2616